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INSTRUMENT # 2003004293 8 PGS

2003 JAN 09 09:21 AM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
CBETHEL Receipt#263410



✓ Please record and return to Karen Grasset
Growth Management Business Center
1660 Ringling Boulevard, 5th Floor
Sarasota, FL 34236

NOTICE OF STIPULATIONS
AND LIMITATIONS ENCUMBERING
REAL PROPERTY PURSUANT TO
THE SARASOTA COUNTY ZONING CODE

The following property, located west of McIntosh Road and approximately 2050 feet south of Fruitville Road in Sarasota County, Florida, owned by the Sarasota-Manatee Jewish Federation, and described in Resolution No. 2002-219 attached hereto, to allow a private club, child care and school in an OUE-2 (Open Use, Estate, 1 unit/2 acres) zone district and a child care, school, and youth oriented community service in an RSF-3 (Residential, Single Family, 4.5 units/acre) zone district pursuant to Special Exception Petition No. 1545 filed by Bruce Franklin, Agent, and granted by Sarasota County on July 24, 2002, is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

(Stipulations and limitations are those described in Section B of Resolution No. 2002-219, attached hereto)

Executive Director
Growth Management Business Center

STATE OF FLORIDA
COUNTY OF SARASOTA

Before me, the undersigned Notary Public, personally appeared Jerry Gray, Executive Director of the Growth Management Business Center, to me known to be the individual who executed the foregoing Notice of Stipulations and Limitations Encumbering Real Property pursuant to the Sarasota County Zoning Code, and he acknowledged before me that he executed the same.

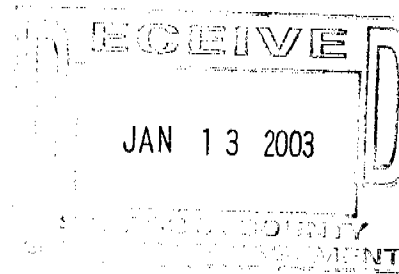
Witness my hand and official seal at Sarasota County, Florida, this 8th day of January, A.D. 2003.

Notary Public
State of Florida at Large

This instrument prepared by:
SMA



Nancy J. Higgins
Commission # CC 936530
Expires May 15, 2004
Bonded Thru
Atlantic Bonding Co., Inc.



RESOLUTION NO. 2002- 219
OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO. 1545

BOARD RECORDS
FILED FOR RECORDING
2002 OCT - 3 PM 1:17
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA

WHEREAS, Bruce Franklin, agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1545 requesting that a special exception be granted to allow the property, located west of McIntosh Road and 2050 ± feet south of Fruitville Road, Sarasota County, Florida, to be used for a private club, child care and school in an OUE-2 (Open Use, Estate, 1 unit/2 acres) zone district and a child care, school, and youth oriented community service in an RSF-3 (Residential, Single Family, 4.5 units/acre) zone district; and

WHEREAS, the subject parcel was also granted Special Exception No. 1357 on October 10, 1995, the provisions of which are revised and incorporated here in, and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 21st day of March, 2002, to consider said Special Exception Petition No. 1545, and

WHEREAS, the said Planning Commission did submit and report its findings with no recommendation to this Board for said Special Exception Petition No. 1545, and

WHEREAS, this Board, after due public notice, did on the 24th day of July, 2002, hold a public hearing to consider said special exception petition, the recommendation of the Planning Commission and all matters relevant to said petition.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Sarasota County, Florida, in public meeting assembled:

A. This Board, after having considered the report of the Planning Commission, the testimony of the applicant, evidence entered into the record, public comment on the petition and all things brought to its attention with regard to said Special Exception Petition No. 1545 does make the following findings:

- (1) The granting of the Special Exception will promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare;
- (2) All the requirements of the Sarasota County Zoning Regulations and the Comprehensive Plan for Sarasota County, Florida, have been met and satisfied;
- (3) That the requirements of the District Regulations governing this Special Exception have been met; and
- (4) The following standards have or have not been met as indicated:

a. The proposed use is consistent with the intent, goals, objectives, policies and programs of the Sarasota County comprehensive plan for the area in which the property is located;

b. The intensity of the proposed use is consistent with the intended future use of the area in which the property is located, in accordance with the programs of the "Future Land Use Plan";

c. The proposed use singularly or in combination with other special exceptions **does not** change the character of the general vicinity, as shown on the locator map;

d. The intensity of the proposed use is harmonious with the character of other uses in the general vicinity, as shown on the locator map;

e. The height and orientation of the proposed structure(s) or use is compatible with the existing neighboring structures and uses;

f. The subject parcel is sufficient and adequate in shape and size to accommodate the proposed use, and **would** provide for the appropriate separation between neighboring uses;

g. The proposed use is adequately screened and buffered to effectively separate traffic, light and noise from the existing or intended abutting uses;

h. The loading and refuse areas **would not** impose negative visual, odor, or noise impacts on abutting uses and thoroughfares;

i. The size and location of the proposed sign(s) **would** conform to the character of existing neighboring uses;

j. The exterior lighting **would** be harmonious with the existing character of existing neighboring uses, in terms of glare;

k. The ingress and egress to the subject parcel and the structures involved, if any, **would not** adversely affect traffic flow, safety and control;

l. The access and internal circulation is adequate in case of fire or emergency;

m. The proposed use **would not** cause excessive traffic impacts on the surrounding roadway system;

n. The location, type and availability of potable water for the proposed use is compatible with neighboring uses;

o. The location, type and availability of the proposed wastewater system is compatible with neighboring uses; and

p. The proposed use **would not** cause or intensify flooding of neighboring uses.

B. Special Exception Petition No. 1545 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit:

RSF-3:

The southerly 550 feet of the South ½ of the Southeast ¼ of Section 22, Township 36 South, Range 18 East, Sarasota County, Florida, lying easterly of premises described in warranty deed dated July 26, 1984 by McIntosh Properties Limited to Nash-JT Group, Inc., recorded in Official Record Book 1718, Page 1146 of the Public Records of Sarasota County, Florida.

Less premises described in warranty deed dated March 28, 1984 by McIntosh Properties, Limited to Sarasota-Manatee Jewish Federation, Inc., recorded in Official Record Book 1667, Page 1477 of said Public Records.

Also less the easterly 30 feet.

Also less the easterly 20 feet as recorded in Official Record Book 1892, Page 2464 of the Public Records of Sarasota County, Florida.

Subject to:

A 60-foot wide easement for ingress/egress, utilities, and drainage as recorded in Official Record Book 1667, Page 1477 of the Public Records of Sarasota County, Florida.

Also less:

A tract of land lying in the Southwest ¼ of Section 22, Township 36 South, Range 18 East, Sarasota County, Florida described as follows:

Commence at a ¾ inch iron pipe at the Southwest corner of the Southeast ¼ of said Section 22; thence South 88° 54' 17" West, along the southerly line of the Southeast ¼ of said Section 22, a distance of 30.03 feet to the westerly line of premises described in instrument dated April 19, 1954 by Roy A. Chapman to the County of Sarasota, recorded in Deed Book 326 on Page 584 of the Public Records of Sarasota County, Florida; thence North 00° 20' 46" East along said westerly line a distance of 550.18 feet to a line which is 550.00 feet northerly of and parallel with the southerly line of the Southeast ¼ of said Section 22, for a Point Beginning; thence South 88° 54' 17" West, along said parallel line a distance of 874.34 feet; thence South 01° 05' 43" East, a distance of 250.00 feet; thence North 88° 54' 17" East a distance of 868.06 feet to the aforementioned westerly line of premises described in Deed Book 326, Page 584; thence North 00° 20' 46" East along said westerly line a distance of

250.08 feet to the Point of Beginning.

OUE-2:

A tract of land lying in the Southwest $\frac{1}{4}$ of Section 22, Township 36 South, Range 18 East, Sarasota County, Florida described as follows:

Commence at a $\frac{3}{4}$ inch iron pipe at the Southwest corner of the Southeast $\frac{1}{4}$ of said Section 22; thence South $88^{\circ} 54' 17''$ West, along the southerly line of the Southeast $\frac{1}{4}$ of said Section 22, a distance of 30.03 feet to the westerly line of premises described in instrument dated April 19, 1954 by Roy A. Chapman to the County of Sarasota, recorded in Deed Book 326 on Page 584 of the Public Records of Sarasota County, Florida; thence North $00^{\circ} 20' 46''$ East along said westerly line a distance of 550.18 feet to a line which is 550.00 feet northerly of and parallel with the southerly line of the Southeast $\frac{1}{4}$ of said Section 22, for a Point Beginning; thence South $88^{\circ} 54' 17''$ West, along said parallel line a distance of 874.34 feet; thence South $01^{\circ} 05' 43''$ East, a distance of 250.00 feet; thence North $88^{\circ} 54' 17''$ East a distance of 868.06 feet to the aforementioned westerly line of premises described in Deed Book 326, Page 584; thence North $00^{\circ} 20' 46''$ East along said westerly line a distance of 250.08 feet to the Point of Beginning.

and the same is hereby approved for 1545, subject to the stipulations as set forth below. As used in the stipulations hereinafter set forth, the term "Owner" shall refer to the owner or owners of the property described in Section B and their successors and assigns. Upon recording in the public records of Sarasota County, these stipulations shall be covenants running with the land.

1. The Owner shall clean and maintain the existing stormwater ditch that runs on the south side of the subject parcel.
2. The Owner shall be required to maintain the appearance and function of any private drainage facilities on the site, including retention ponds and drainage ditches, at its own expense in accordance with applicable federal, state or local regulations. At the time of recording a plat or prior to final construction approval, the Owner shall be required to record in the public records a Notice to Purchaser, approved by Sarasota County, putting purchasers on notice that the maintenance of drainage facilities is a private responsibility.
3. The Applicant shall be required to utilize the Phillippi Creek Watershed Model to demonstrate that no adverse impact to off-site flood levels will result from the proposed stormwater management system.
4. Development shall take place in substantial accordance with the Development Concept Plan date stamped July 9, 2002, attached hereto as Exhibit A, except as necessary to comply with the stipulations contained herein. This does not infer or imply any variances from applicable zoning or land development regulations.

5. In addition to the retention and preservation of native vegetation by the owner, a landscape buffer in accordance with Section 13.14(E) of the Zoning Ordinance including a six foot high solid fence shall be constructed along the south and north property lines from the McIntosh right-of-way to the westward extent of the play fields shown on the Development Concept Plan date-stamped July 9, 2002. The remainder of the north, south and west property lines shall be enclosed with a fence of chain link or other construction.
6. The swimming pool, tennis area, and parking lot lights shall be directed and oriented so that no source of such lighting is visible by adjacent properties. The swimming pool and tennis area lighting shall not be used after 8:00 PM. Lighting of the ball fields, basketball courts, and volleyball courts shall be prohibited. The four tennis courts located along the north property boundary may continue to be lighted until such time any new tennis court is constructed, and at the time of completion of any new tennis court, the lighting from the four existing tennis courts located along the north property boundary shall be removed and relocated to the new tennis courts.
7. A thirty foot (30') buffer area with a six-foot (6') high solid fence along the south property line adjacent to the proposed playground area for the child care center shall remain and be maintained in perpetuity by the Applicant or its successors in interest.
8. Refuse areas shall be setback at least 150-feet from any property line and visually screened in accordance with Section 11.6.f of the Sarasota County Zoning Ordinance.
9. Lighting in the new proposed parking areas shall be limited to a maximum height of 25 feet. The fixtures will also be shielded to prevent intrusion into adjacent residential property.
10. The driveway along the southern property boundary as reflected on the Development Concept Plan date-stamped July 9, 2002, shall be no closer than forty-five (45') feet from the property line. Bus/Van parking shall be no closer than sixty (60') feet from any adjacent property.
11. Outdoor amplified music is prohibited.
12. No further development on the entire parcel, beyond what is approved by this special exception as demonstrated on the Development Concept Plan date-stamped July 9, 2002 and amended July 24, 2002, shall be allowed until McIntosh Road is fully improved to a four-lane road.
13. The cumulative square footage of the new buildings shall be limited to a maximum of 25,000 square feet.
14. Only those buildings shown on the Development Concept Plan, as amended by the Board to eliminate the camp dormitories identified thereon, shall be constructed on the property. Development on the site shall be in strict accordance with the Development Concept Plan.

15. No special events shall take place without applying for and receiving a Temporary Use Permit. Notices of the application must be sent one week in advance of the event to the property owners within 300 feet of the Jewish Community Center.

C. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED this 24th day of JULY, A.D., 2002.

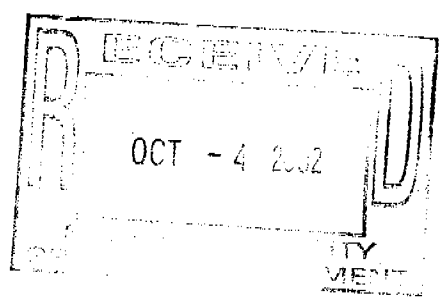
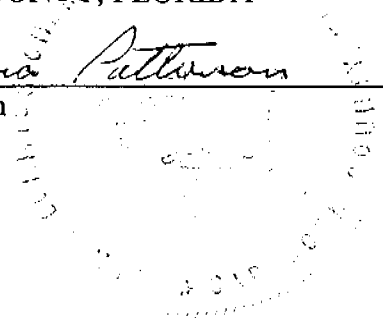
BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

By *Nora Patterson*
Chairman

ATTEST:

KAREN E. RUSHING, Clerk
of Circuit Court and ex officio
Clerk of the Board of County
Commissioners of Sarasota
County, Florida.

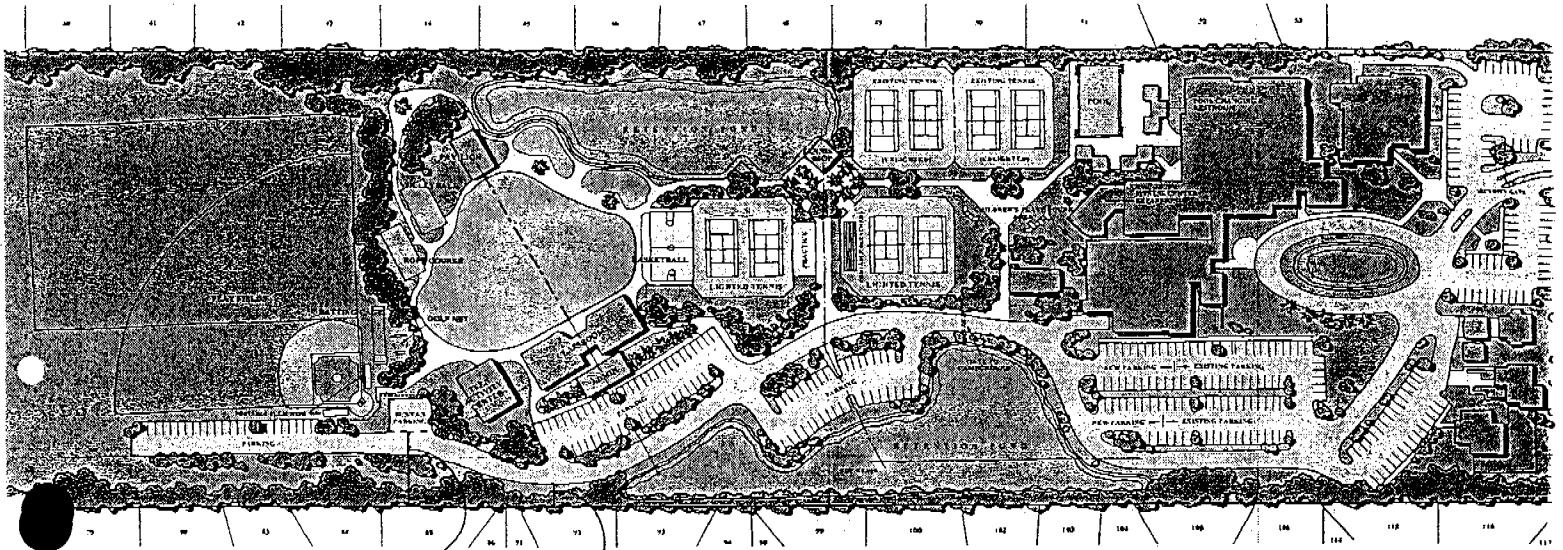
By *Paula Clinton*
Deputy Clerk



MAP SERIES/CONCEPT PLAN

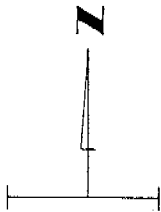
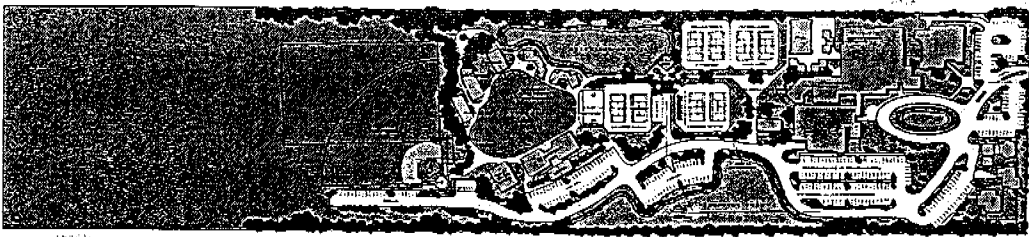
EXHIBIT "A"

INSTRUMENT # 2003004293
8 PGS



60'
Bus / Van Parking to Property Line

45' Driveway to Property Line



THIS DOCUMENT RECEIVED BY:
GROWTH MANAGEMENT ON
JULY 9, 2002

COUNTY OF SARASOTA, FLORIDA

Board of County Commissioners
Sarasota County Growth Management Business Center

Date: October 7, 2002

MEMORANDUM TO:

Bruce Franklin
149 Cocoanut Avenue
Sarasota, FL 34236

Community Services, History Center (Dan Hughes)
Development Services, County Surveyor (Gayle Fosness)
Development Services, Permitting (Martin Duran)
Development Services, Land Dev. (Gene Middaugh /Efrain Duque)
Development Services, Resource Protection (Jim Dierolf)
Development Services, Zoning (Tate Taylor)
Development Services, Permitting (Dave Rinehart)
Emergency Services, Fire Department (Jane Ross)
Environmental Services (John Saraniero/ Robert Wright)
Environmental Services, Natural Resources (Laird Wreford)
Growth Management (Elaine Wickwire/Steve Brown/Jack Wilhelm)
Health/Human Services (Rob Bolesta)
Property Appraiser (Jim Todora)
Public Works, Transportation (Jim Harriott/ Frank Domingo)
Public Works, Stormwater (Steve Suau)
School Board (Ken Marsh)

SUBJECT:

Special Exception No: 1545

PLANNER:

Ed Wolfe

RESOLUTION NO. 2002-219 **PID#(s):** 2033-15-0002, 2033-16-0001, and 2033-15-0001

ACTION TAKEN ON ABOVE SUBJECT IS AS FOLLOWS:

On, **July 24, 2002**, the **Sarasota County Board of Commissioners** granted **Special Exception Petition No. 1545** to allow a Child Care Center, Private School and Youth Oriented Community Service Organization in the RSF-3 (Residential, Single Family, 4.5 units/acre) zone district and a Private Club, Child Care Center and Private School in the OUE-2 (Open Use, Estate, 1 unit/2 acres) zone district, located on the west side of McIntosh Road and approximately ½ mile south of Fruitville Road in Sarasota County, Florida.

A copy of **Resolution No. 2002-219** is attached for your information.

BY: /s/Jerry Gray
Executive Director
Growth Management Business Center